

**REMARKS**

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment no claims are amended, claims 62-66 are added, and no claims are canceled (claims 1-13, 23-27 and 43-46 were previously canceled). As a result, claims 14-22, 28-42 and 47-666 are now pending in the application. Support for the newly added claims can be found throughout the disclosure, for example, in the specification at pages 11-13 and existing claims 34-35.

The Office Action of November 27, 2007 rejects claims 14-22, 47 and 52-61 under 35 U.S.C. §103(a) in view of U.S. Patent 5,945,988 (Williams) further in view of U.S. Patent 6,263,502 (Morrison). The Office Action rejects claims 28-44 and 48-51 under 35 U.S.C. §103(a) in view of U.S. Patent the Williams patent further in view of U.S. Patent 5,389,963 (Lepley).

*§103 Rejections in view of Combinations of Williams / Morrison / Lepley*

The §103(a) rejection of claims 14-22, 47 and 52-61 in view of the hypothetical combination of Williams and Morrison and the §103(a) rejection of claims 28-44 and 48-51 in view of the hypothetical combination of Williams and Lepley are respectfully traversed for at least the following reasons.

A convergence system typically includes a number of media devices such as a television and other video/audio components connected together with a computer. Oftentimes the output signal of each media device has characteristics and parameter values that differ from those of

other media devices. For example, the signal output from a television tuner may yield a different output—e.g., a different volume level, brightness level, etc.—than the output signal from a video disc player. As a person switches from one media device to another (e.g., from the television tuner to the video disc player) the respective signals from the different devices produce noticeable changes in the audio or video output. Because of this the user may need to readjust the parameters and settings of the output device to maintain a consistent display and/or volume level when switching between the media devices, such as making a switch from the television tuner to the video disc player. The claimed invention recites features that overcome this problem. The cited art does not teach or suggest these features.

Claim 14 recites “receiving ...a plurality of input signals [each respectively associated with a plurality of different media devices],” and retrieving a parameter value from a “table of parameter entries associated with said signals,” “wherein each of said parameter entries is associated with one of said plurality of input signals.” Williams shows a convergence system with a number of devices and inputs (Fig. 1). The Office Action says the Williams device retrieves setting values for a presentation device from a table (database 700 of Fig. 7). However, the Williams system isn’t concerned with adjusting the media devices to correct differences in their respective outputs. Williams adjusts each specified channel of a media device to conform to the user’s preferred video and audio settings. As such, Williams does not teach any one setting for a particular device. Rather, Williams has many settings for each device, depending upon which channel the user tunes to. Consequently, Williams does not teach or suggest “wherein each of said parameter entries is associated with one of said plurality of input signals,” as recited in claim 14, or the similar features of the other independent claims. In the event the

rejection is maintained, it is requested that the next paper explain what the parameter entry is for Williams' television volume. Is it a "+" for Williams' television? Is it a "0" for the television? Is it a "-" for the television? Neither of the secondarily cited patents to Morrison or Lepley overcome this deficiency. Morrison involves a system for adjusting the volume and audio settings of a television receiver *based on the characteristics of the program being viewed*. Lepley concerns a system for selectively interconnecting audio-video sources and receivers.

Accordingly, it is respectfully submitted that the Williams patent, the Morrison patent and the Lepley patent, either taken singly or as hypothetical combinations, do not teach or suggest the claimed features. Therefore, withdrawal of the rejection is requested.

*Williams Teaches away from the Hypothetical Combination*

As expressly stated in the MPEP:

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.<sup>1</sup>

It is respectfully submitted that at the Williams patent teaches away from being modified in the manner proposed in the Office Action with respect to the claimed feature of modifying the signal sent to an output device. Claim 14 recites "modifying said one signal in accordance with said at least one retrieved parameter value to produce a modified one signal." Claim 28 recites "setting said at least one parameter of said output signal in accordance with said one value [from said table]." The other independent claims recite similar features.

---

<sup>1</sup> MPEP §2143.01(V) citing In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

The Office Action contends that Williams teaches to modify an output signal according to settings stored in database 700.<sup>2</sup> However, as discussed during the In-person Interview of September 11, 2007 the claims do not merely recite changing settings for the volume level of a television set. The claims recite “modifying said one signal” (claim 14) and “setting said at least one parameter of said output signal” (claim 28). By contrast, the Williams system changes the setting (e.g., the volume) of the device playing the signal. The Williams patent explains that the system configuration changes are altered—but not that the signals are modified:

Having determined which user of a plurality of users is currently using system 100 in step 204, system controller 104 dynamically configures system configuration settings of system 100 in accordance with the user preference information found in the user profile corresponding to the identified user.<sup>3</sup>

If one were to modify the *signals* of Williams’ television tuner instead of modifying the settings for various given *channels*, it would seemingly negate the effect of providing a user preference setting for each channel of Williams’ television tuner—a primary concern of the Williams patent. Thus, Williams appears to teach away from claimed feature of modifying the signals, instead requiring a per-channel configuration setting for the component devices in the system 100 of Williams. **If the television signal of Williams was modified based on a parameter entry associated with it—“wherein each of said parameter entries is associated with one of said plurality of input signals” as recited in claim 14—then how could the Williams system have different settings for each channel of the television signal based on the user’s preferences for that channel (e.g., vol. = “0” for channel 2; vol. = “+” for channel 5; vol. = “-” for channel 7; etc.). Hence, the Williams patent teaches away from being modified in the manner proposed**

---

<sup>2</sup> Office Action of Nov. 27, 2007, page 5.

by the Office. Consequently, it is respectfully submitted that modification of Williams proposed in the Office Action and the proposed hypothetical combination is improper.

Further, for the sake of argument, even if it was proper to combine the Morrison and Lepley patents with Williams, these secondarily cited patents would not overcome the deficiencies of the Williams patent. Instead of transmitting a modified signal, Morrison adjusts the television to “change the audio and video settings to match those in the table based on the program data thereby yielding the optimal viewing conditions.”<sup>4</sup> The Lepley patent, which pertains to a system for selectively interconnecting home media devices also does not teach or suggest these features of the claimed invention.

**In the event the rejection is maintained, it is respectfully requested that the next Office Action explain how the cited patents are being construed to teach or suggest “modifying said one signal” or “setting said at least one parameter of said output signal,” as recited in the claims, as opposed to modifying the settings of the media devices themselves (e.g., setting the audio/video controls of the devices).**

Accordingly, it is respectfully submitted that the Williams patent and the Lepley patent, either taken singly or as a hypothetical combination, do not teach or suggest the claimed features. Therefore, withdrawal of the rejection is requested.

---

<sup>3</sup> Williams, col. 5, lines 30-35.

<sup>4</sup> Morrison, col. 2, lines 61-64.

*New Claims*

This Amendment adds claims stemming from each independent claim which recite “wherein each of said plurality of input signals is associated with one of said parameter entries for a given type of parameter, wherein the given type of parameter is selected from a group consisting of audio volume, bass, treble, balance, video brightness, contrast, color, tint, and sharpness” or other similar features. It is respectfully submitted that the prior art does not disclose these features. For example, the Williams patent shows not one volume adjustment for the television, but several different volume adjustments for the television.

*Deposit Account Authorization / Provisional Time Extension Petition*

It is believed that the accompanying Fee Transmittal attends to the fees necessary for this filing, and no extension of time is needed. However, to the extent necessary, a Provisional Petition for an Extension of Time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571)970-6835 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson  
Reg. No. 43,436

The Brevetto Law Group, PLLC  
107 S. West Street, #765, Alexandria, Virginia 22314  
telephone: (571)970-6835

**Date: February 27, 2008**